



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: REDUCED-CALORIE FREEZABLE BEVERAGE filed July 29, 2003 and accorded Serial No. 10/628,383.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

We acknowledge the duty to disclose all information known to us which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventors' certificate listed below and have also identified below any foreign application for patent or inventors' certificate having a filing date before that of the application on which priority is claimed:

None

We hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, We acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial

Filed

60/399,437

July 31, 2002

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the attorneys of law firm of Kenyon and Kenyon, including W. David Wallace, as identified by the following customer number, with full power to prosecute the instant application, to make alterations and amendments therein, to receive the patent, and to transact all business before the Patent and Trademark Office connected therewith:

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Please address all correspondence to the law firm of Kenyon & Kenyon, attention W. David Wallace, who can be reached at (202) 220-4200.

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Inventor's signature  Date 2/29/04

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Full name of third joint inventor: Dennis Flahive

Inventor's signature  Date 2/9/04

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